

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA §
§
V. § CRIMINAL NO. 6:21-CR-66
§ JUDGES KERNODLE/MITCHELL
JOHNNY RAY SMITH, JR. §

FACTUAL BASIS

Investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), City of Longview (Texas) Police Department (LPD), and Gregg County Sheriff's Office (GCSO) disclosed the following facts that establish that I, the defendant, **Johnny Ray Smith, Jr.**, violated 21 U.S.C. § 841(a)(1) (Possession with Intent to Distribute and Distribution of Methamphetamine) as alleged in Count Five of the Indictment, and that I accept as true and correct:

1. That I, the defendant, **Johnny Ray Smith, Jr.**, am changing my plea to guilty and I am the same person charged in the Indictment;
2. That the events described in the Indictment occurred in the Eastern District of Texas;
3. That on or about June 3, 2021, law enforcement officers executed a lawful search warrant at my residence located at 1710 South Houston Street in in Longview, Gregg County, Texas. During the search of my residence, officers located and seized what was later analyzed to be 71.82 grams of methamphetamine (actual), digital scales and other drug distribution paraphernalia, and a Taurus, model 85, .38 caliber revolver;

4. That, although I am only entering a guilty plea to Count Five of the indictment for a single incident of actual methamphetamine possession and distribution, I am responsible for other conduct involving the distribution of methamphetamine (actual) that constitutes relevant conduct for which I am personally liable. Therefore, I agree, admit, and stipulate that I am responsible for possessing with intent to distribute at least 50 grams, but less than 150 grams, of methamphetamine (actual) during the course of my drug trafficking activities, and this conduct should be used in calculating my appropriate sentencing range under U.S.S.G. § 2D1.1;

5. I admit and stipulate that the United States could prove that the substance I possessed was in fact methamphetamine (actual), a Schedule II controlled substance;

6. I admit and stipulate that I knowingly possessed a dangerous weapon, to wit: a firearm;

7. I stipulate that the United States is entitled to an order of forfeiture for the following:

(a) **Firearm/Ammunition:**

- 1) a Taurus, model 85, .38 caliber revolver, bearing serial number JX77184;
- 2) Five (5) rounds of Winchester .38 caliber ammunition;
- 3) Twenty-one (21) rounds of assorted .38 caliber ammunition;
- 4) Two (2) extended magazines;
- 5) Twenty-three (23) rounds of Maytech .380 caliber ammunition;
- 6) Fifteen (15) rounds of Remington 7.62 x 39mm caliber ammunition; and
- 7) One hundred forty-four (144) assorted 12-gauge shotgun shells.

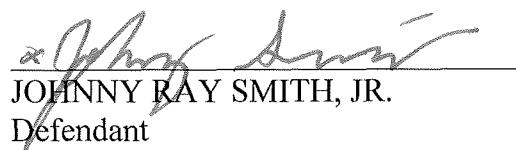
(b) **Cash Proceeds:**

A sum of money equal to \$5,000.00 in United States currency, and all interest and proceeds traceable thereto, representing the amount of proceeds obtained by the defendant as a result of the offense alleged in Count Five of the indictment and any relevant conduct, for which the defendant is personally liable.

DEFENDANT'S SIGNATURE AND ACKNOWLEDGEMENT

I have read (or had read to me) this Factual Basis and I am pleading guilty to Count Five of the Indictment in this case because I am guilty of the violation alleged. I have had an opportunity to consult with an attorney and I am satisfied with the advice and counsel that he has provided me. I acknowledge that I violated 21 U.S.C. § 841(a)(1) (Possession with Intent to Distribute and Distribution of Methamphetamine). I hereby stipulate that the facts described above are true and correct and accept them as the uncontested facts of this case.

Dated: 10-5-2021


JOHNNY RAY SMITH, JR.
Defendant

DEFENSE COUNSEL'S SIGNATURE AND ACKNOWLEDGEMENT

I have read this Factual Basis and the Indictment and have reviewed them with my client. Based on my discussions with the defendant, I am satisfied that the defendant understands the Factual Basis and the Indictment and that he has signed the Factual Basis voluntarily.

Dated: 10-5-2021



KENNETH R. HAWK, II
Attorney for Defendant